

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James M. Smith, II,)	C/A No. 5:13-cv-01617-TLW-KDW
)	
)	
Plaintiff,)	
)	
v.)	Report and Recommendation
)	
)	
Major Bryant, Southern Health Partner,)	
and Nurse Mrs Lopez,)	
)	
Defendants.)	
)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On August 9, 2013, Defendants filed a Motion to Dismiss. ECF No. 29. As Plaintiff is proceeding pro se, the court entered an order on August 12, 2013 pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion to dismiss and of the need for him to file an adequate response. ECF No. 32. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending this case. Plaintiff did not file a response to the pending Motion to Dismiss.

On September 17, 2013, the court ordered Plaintiff to advise the court by October 3, 2013 whether he wished to continue with the case. ECF No. 36. Plaintiff has filed no response. As such, it appears to the court that Plaintiff does not oppose Defendants' motion and wishes to abandon his action. Based on the foregoing, the undersigned recommends that this action against Defendants be dismissed with prejudice for failure to prosecute, thereby ending this matter. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

October 7, 2013
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style with a large initial 'K'.

Kaymani D. West
United States Magistrate Judge